

allow employer contributions to count for meeting the catastrophic cap on beneficiary spending.

This means, in understandable terms, that retirees with employer-provided coverage will get less of a benefit than other seniors. In fact, under the Senate bill, retirees would need closer to \$10,000 in drug costs before the stop-loss protection would apply, well after the \$5,800 cap that applies to all other beneficiaries. And employers that choose to wrap around the Medicare benefit would be subject to a gap in coverage that doesn't end.

As a result, the Congressional Budget Office has estimated slightly more than one-third of retirees will lose their employer coverage, making more than 4 million Medicare beneficiaries worse off at a time when we are trying to make them better off.

Although Congress may claim this formula will save money for Medicare, any provision that encourages employers to drop their retiree benefits will only end up costing the Federal Government more and hurt millions of seniors in the process. Seniors who have retiree benefits have worked a lifetime and have made wage concessions over the years with the expectation that they would have retiree benefits in exchange. To change the rules of the game at this point and give them less than the other Medicare beneficiaries is, in a word, unfair.

Congress must now enact a drug benefit that recognizes employers that are doing the right thing, continuing to provide their retirees these very important benefits, because to do otherwise will further threaten retiree coverage and will drive millions more seniors to Medicare for the coverage they used to get from their employers. This is a choice that might be put before us, but this is not a choice we should make. We should not have to decide between Lee and George and Mary and John. These are not decisions that this Congress should be forced to make. There are solutions.

I am encouraged when I hear the conferees are looking at these solutions, but I encourage, in the most dramatic way possible, that they not only continue to work, but they find solutions that are workable, because without that the choice is an impossible one and I think threatens whether or not this body will pass a Medicare plan that provides prescription drugs for retirees.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Nevada is recognized.

#### PRISONERS OF WAR PROTECTION

Mr. REID. Mr. President, a brave Nevadan by the name of LTC Jeffrey Tice was in the first Iraq war. He was flying an F-16 when it was hit by enemy fire. The plane went down. He was initially captured by Iraqi troops who were roaming the desert. He was, shortly thereafter, taken to the Iraqi authori-

ties, which began 46 days of terror. He was held in captivity and tortured by the Iraqis for these 46 days.

During the time he was there, he endured brutalities that are difficult to describe. They intended to break his spirit and his body. For example, he was forced to play Russian roulette. You know that Russian roulette only is a valid game when the revolver has bullets in the chamber. And, of course, he was forced to play Russian roulette with a loaded weapon. With the same pistol, he was beaten about the head. Among other things, his jaw was dislocated, his eardrum was punctured, and on other occasions he was beaten on the head. His legs were beaten with a wooden plank until he could not walk. He had an electric wire tied around his head. The shocks received were so severe that his body curled up in a fetal position violently, with every muscle in his body contracting in pain.

These are only some of the things the Iraqi regime did to Colonel Tice. They did not break his spirit, but they did harm his body. Today, these many years later, he still suffers physical problems as a result of the torture. Not only does he have physical problems, he still suffers pain as a result of the torture.

In 1996, we passed the Foreign Sovereign Immunities Act, which allowed State Department-designated terrorist states, including Iraq, to be held liable for personal injuries suffered by torture victims, including American POWs. In November of 2002, President Bush signed the Terrorism Risk Insurance Act, which included a provision designed to ensure that Americans could collect court-ordered damages from the frozen assets of terrorist states. During this time, 17 gulf war POWs and their families sued the Republic of Iraq. Saddam Hussein was also sued, as well as the Iraqi Intelligence Service.

They filed these actions to seek justice for themselves—like Colonel Tice, those people who were brutalized—and to prevent future torture of others. In July, Judge Richard Roberts of the Federal district court ruled against Iraq, Saddam Hussein, and the Iraqi Intelligence Service, and found them liable for the torture of these POWs. In his opinion, Judge Roberts said, among other things, the importance of his decision was to deter the future torture of American POWs.

His judgment was correct. It was appropriate. But the State Department and Justice Department have refused to honor it. Earlier this year, the President confiscated the \$1.7 billion in Iraqi assets that have been held in private banks since 1990. The money was sent back to Baghdad for use in the reconstruction, a move which effectively blocked the efforts of tortured POWs to collect judgments in their favor. The administration has continued to spend this money knowing full well this judgment is pending.

At the same time, the Department of Justice asked Judge Roberts to allow it

to intervene in the case, stating its intention to have the judgment erased. Judge Roberts, in his wisdom, declined to allow this.

These brave POWs made great sacrifices to protect the freedoms we have, the ability we have to salute the flag and to do things we take for granted. They now need our help.

I am pleased to report the Senate took action last week to uphold the rights of the POWs and all Americans to be free from torture, hostage-taking, and acts of terrorism committed by foreign dictators and tyrants. My amendment, which was accepted as part of the supplemental Iraqi budget request, makes perfectly clear the longstanding intent of Congress that those who torture and abuse U.S. citizens can and should be held accountable.

Saddam Hussein was a tyrant who committed despicable acts. He committed atrocities against his own people and against Americans. In fact, as we speak, many believe he is behind the continuing attacks that are taking place in Iraq today.

Now, in a real irony—or, perhaps better stated, an unreal irony—our Justice Department is trying to shield Saddam and his former regime from the accountability American law demands. My amendment, which was accepted, would have protected the rights of private citizens, including three brave Nevadans who were captured, taken hostage, and used as human shields by Saddam Hussein during his first gulf war. All of these brave heroes who were tortured at the hands of Saddam Hussein are merely seeking to hold Iraq accountable for its crimes and deter the torture of any American citizen by a terrorist state in the future.

The civilized world cannot let such crimes go unpunished. The perpetrators must be held to account. I hope the conferees and the President will accept this amendment in the conference and not let the current system go forward.

Justice must prevail, and if these people are not allowed to go forward with the judgment they have obtained and the protection they demand, it would not be a good day for American justice.

The PRESIDENT pro tempore. The Senator from Kansas.

#### ORDER OF PROCEDURE

Mr. ROBERTS. I ask unanimous consent to speak out of order for 10 minutes. I know it is the minority's time.

Mr. REID. We have no one in the Chamber so that would work out fine. Certainly the request by the Senator from Kansas is one that is fair, and I ask unanimous consent that the Chair approve his request.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Kansas is recognized.